REMARKS

New claims

New claims 35-69 are currently pending in this application, after the cancellation of claims 1-34. These claims were derived from original claims 1-34 and were drafted to conform to U.S. patent practice. The new claims correspond to the original claims as follows:

Original Claim	New Claim
1	35
2	36
3	37
4	38
5	39
6	40
7	41
8	42
9	43
10	44
11	45
12	46

Original Claim	New Claim
13	47
14	48
15	49
16	50
17	51
18	52
19	53
20	54
21	57
22	58
23	55
24	56
25	59
26	60 and 61
27	62
28	63
29	64
30	65

Original Claim	New Claim
31	66
32	67
33	68
34	69

No new matter has been added with the addition of these claims.

As discussed below, due to the Restriction Requirement imposed by the Office, only claims 35-40, 42, 43, 45, 60, 61, and 66 will examined. The remaining claims have been withdrawn, as indicated by the Status Identifier "WITHDRAWN - NEW." See M.P.E.P. §714.

Response to Restriction Requirement

In a restriction requirement dated December 14, 2005, the Examiner required restriction under 35 U.S.C. § 121 between the following groups of claims:

I. Claims 1-5, 6, 8, 9, 11, 26, and 31, drawn to a method to induce apoptosis using a tox protein.

II. Claims 1-5, 7, 8, 10, 11, 27, 28 and 32, drawn to a method to prevent apoptosis using a save protein.

III. Claims 12, 13, 15, 16, 18, and 34, drawn to a tox molecule.

IV. Claims 12, 14, 15, 17, 19, and 34, drawn to a save molecule.

V. Claims 20 and 23, drawn to a vector encoding a tox molecule.

VI. Claims 20 and 23, drawn to a vector encoding a save molecule.

VII. Claims 21 and 22, drawn to a monoclonal antibody and hybridoma cell line producing the antibody.

VIII. Claim 24, drawn to a cancel cell having a tumor-associated antigen and a tox molecule.

IX. Claim 24, drawn to a cancel cell having a tumor-associated antigen and a save molecule.

X. Claim 25, drawn to a method to detect a cancer cell having a tumor-associated antigen using a tox molecule.

XI. Claim 25, drawn to a method to detect a cancer cell having a tumor-associated antigen using a save molecule.

XII. Claims 29 and 30, drawn to a method to identifying an agent that interacts with the activity of the PTPC complex using a tox molecule.

XIII. Claims 29 and 30, drawn to a method to identifying an agent that interacts with the activity of the PTPC complex using a save molecule.

XIV. Claim 31, drawn to a method to identify tox-like mitochondrial antigens.

XV. Claim 31, drawn to a method to identify save-like mitochondrial antigens.

Applicants provisionally elect to prosecute Group I, including claims drawn to a method to induce apoptosis using a tox protein. The Office determined that Group I consisted of original claims 1-6, 8, 9, 11, 26, and 31. Accordingly, Applicants elect the corresponding new claims: 35-40, 42, 43, 45, 60, 61, and 66.

Applicants make this election with traverse and in disagreement with the Office's conclusion that the claims lack unity of invention because the prior art anticipates the

special technical feature of the invention. The Office noted that the methods claimed in Group I and Group II are distinct because Group I is drawn to methods of inducing apoptosis, while Group II is drawn to methods of preventing apoptosis. But, both of these methods relate to the same general inventive concept, that is targeting of the permeability transition core complex to effect apoptosis. Therefore, Applicants request that the requirement of restriction between Groups I and II of claims be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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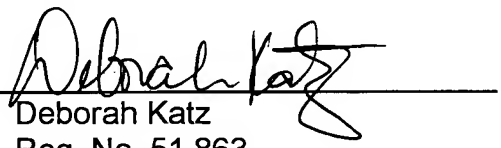
Dated: January 12, 2005

By: 

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